

OPINION 1267

MUSCICAPA RUFICAUDA SWAINSON, 1838 (AVES,
MUSCICAPIDAE): NEOTYPE DESIGNATED UNDER THE
PLENARY POWERS

RULING. — (1) Under the plenary powers, the holotype of the nominal species *Muscicapa ruficauda* Swainson, 1868, is hereby set aside and the female specimen 'a' cited by Sharpe, 1879, p. 457, is designated as neotype of that species.

(2) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

- (a) *ruficauda* Swainson, 1838, as published in the binomen *Muscicapa ruficauda*, with an endorsement that the holotype has been set aside by use of the plenary powers, and that specimen numbered 45.1.10.47 in the British Museum (Natural History) as cited by Sharpe, 1879, p. 457, has been designated as neotype of that species (Name Number 2879);
- (b) *unicolor* Blyth, 1843, as published in the binomen *Cyornis unicolor* (Name Number 2880).

HISTORY OF THE CASE Z.N.(S.)2270

An application for the use of the plenary powers to designate a neotype for *Muscicapa ruficauda* Swainson, 1838, was first received from the late Mr C. W. Benson (*Department of Zoology, Cambridge University, England*) on 30 June 1978. It was sent to the printer on 17 May 1979 and published on 25 October 1979 in *Bull. zool. Nom.* vol. 36, pp. 180–186. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials, to seven general serials and ten specialist serials. Comment was received from Dr H. E. Walters which was published, together with a reply from the author of the application, in *Bull. zool. Nom.* vol. 37, pp. 136–137 (September 1980). No other comments were received.

DECISION OF THE COMMISSION

On 6 July 1983 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1983)4 for or against the proposals set out in *Bull. zool. Nom.* vol. 36, p. 184. At the close of the voting period on 6 October 1983 the state of the voting was as follows:

Affirmative Votes — sixteen (16) received in the following order: Melville, Holthuis, Willink, Mroczkowski, Hahn, Savage, Starobogatov, Trjapitzin, Uéno, Schuster, Bayer, Binder, Corliss, Ride, Brinck, Halvorsen

Negative Vote — two (2) Sabrosky and Dupuis.

Welch was on leave of absence. Alvarado, Cocks and Heppell returned late affirmative votes. No votes were returned by Lehtinen, Kraus, Bernardi and Cogger.

Sabrosky commented: 'Swainson's holotype was in a readily available collection, and the name was apparently used correctly by immediately succeeding authors (Blyth 1847, *et al.*). Sharpe could certainly have consulted the holotype.'

Dupuis commented: 'Il est au dessus de mes forces de donner raison, contre un parfait holotype existant, à tous les auteurs, si nombreux soient-ils, qui se sont trompés dans le sillage de Sharpe. Une erreur est toujours une erreur, et la qualité de "prestigious work" ne constitue pas un critère supérieur d'availability.'

ORIGINAL REFERENCES

The following are the original references for the names placed on an Official List by the ruling given in the present Opinion:

ruficauda, *Muscicapa*, Swainson, 1838, *The Naturalists' Library*, Flycatchers, p. 251

unicolor, *Cyornis*, Blyth, 1843, *J. Asiatic Soc. Bengal*, vol. 12, p. 1007.

The following is the original reference to the proposition of a neo-type-designation ratified by the ruling given in the present Opinion:

for *Muscicapa ruficauda* Swainson, 1838 by Benson, C. W., 1979, *Bull. zool. Nom.* vol. 36, p. 184.

CERTIFICATE

I hereby certify that the votes cast on Voting Paper (1983)4 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1267.

R. V. MELVILLE
Secretary

International Commission on Zoological Nomenclature
London

7 December 1983